

Jul 27 2005 9:25AM CHARLES G CALL

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of

Applicants: Howard Rafal et al.

Serial No. 09/778,281

Filed: February 7, 2001

Title: Methods and apparatus for creating and hosting
customized virtual parties via the Internet

) Before the
Board of Patent Appeals
and Interferences
) Examiner Victor Lesniewski
Art Unit 2155
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

FAX TRANSMISSION COVER LETTER

- 3 SHEETS TOTAL -

I certify that the attached corrected pages 9 and 10 which are to be substituted for the corresponding pages in APPELLANTS BRIEF as faxed about 10 hours earlier (at 11:31 pm, July 26, 2005) are being transmitted via facsimile to the central facsimile number of United States Patent and Trademark Office, (571) 273-8300, on July 27, 2005.

The correction adds the underlined word "not" in the middle of page 9 and the underlined word "no" in the second line of page 10.

Dated: July 27, 2005

Respectfully submitted,



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accept data for creating a new workgroup, including designating the members of that work group, giving the workgroup and the site where it may be found names, and defining the application programs that members of the new workgroup can access, but there is no suggestion anywhere that the workgroup creation template is modified in any way, let alone by combining customization data supplied by user to produce customized web pages as claimed.

The manner in which template data is modified by customization data supplied by a user is explained in appellants' specification at page 22, line 19 to page 23, line 27. Nothing which does the same thing in the same way to achieve the same result is described by Tatham. Thus, the Tatham's workgroup creation template is plainly not the equivalent of the structure and function disclosed by appellants and cannot form a proper basis for the Examiner's rejection of independent claims 1 and 8.

Ground 3 (claims 1-12): The Examiner concedes that Tatham does not explicitly describe specifying a scheduled time or a scheduled time range in which an online gathering would occur but asserts, at page 4, section 16, of the final rejection, that it would have been obvious to modify the system of Tatham by adding the ability to specify a scheduled time as provided by Maurille.

First, it is submitted that one skilled in the art would not seek to modify the Tatham system by constraining a workgroup's lifetime to a schedule rather than allowing the workgroup to operate until its creator decides it is no longer needed (see Tatham, col. 4, line 38). On the other hand, it is plainly desirable that applications which provide conferencing be able to set up a conference for a particular time in advance. Thus, if one skilled in the art wished to make scheduled conferencing as taught by Maurille available to workgroup members, that would be done by adding an scheduled conferencing application as one of the available applications, like bulletin board or chat room applications, that Tatham explains at col. 6, line 9 to col. 7, line 11.

But adding a scheduled conferencing application to the set of applications Tatham makes available would not yield the appellants' invention as claimed. Applicant's claims recite a system which hosts an online gathering in which one or more activities are each defined by template web pages that can be customized. Tatham discloses no mechanism for customizing individual activities, and Maurille describes no way to customize the scheduled conferencing application. Tatham teaches only the ability to create workgroup that is customized in the sense

that it has a name, a site name, a set of participants, and a set of activities that can be selected by the workgroup creator. There is no mechanism for using customizable template web pages to customize individual activities. In the Tatham workgroup system, individual activities are implemented by application software which a workgroup member can access without providing individual copies of the application software (see Tatham, col. 5, lines 31-34). There is no suggestion anywhere in Tatham that the individual applications are customized in any way, let alone using the specific method of combining stored web page template data with customization data as claimed.

Thus, while the scheduled conferencing capability of Maurille could be added to the workgroup creation system taught by Tatham, the end result would not be a method for holding an online gathering consisting of individually customized activities as claimed by appellants, but rather a method for creating a workgroup that exists for an unscheduled period until its creator decides it is no longer needed (see Tatham, col. 4, line 38) where the created workgroup could give its members the ability to access an application program (such as the one taught by Maurille) for holding a scheduled conference. That scheduled conference would in no sense be a scheduled customizable online gathering of the type disclosed and claimed by applicant.

Ground 4 (claims 3-5 and 11): The Examiner concedes that neither Tatham nor Maurille explicitly describe the designation of certain types of activities, the automatic insertion of default values, or the replacement of default values by the user; however, the Examiner contends that it would have been obvious to modify the proposed combination of Tatham and Maurille by incorporating the ability to establish default values in templates and the ability of the user to modify these values later as taught by Sluiman.

It is submitted that the attempt to remedy the deficiencies of Tatham and Maurille by resorting to the teaching of Sluiman is hindsight reconstruction of the appellants' invention by concocting a combination that is nowhere suggested by any of the references.

Rejected claims 3-5 are directed to methods for simplifying the task of supplying customization data to be combined with template web pages to produce customized web pages that implement the individual activities made available to participants at a scheduled online gathering. As discussed above, neither Tatham nor Maurille disclose anything like that, so neither system has a need for a method for simplifying the process of providing the